

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No. : 10/807,731 Confirmation No. : 4430  
Applicant(s) : Scott McNulty  
Filed : March 23, 2004  
Title : Apparatus, Method And System For A Tunneling Client Access Point  
Art Unit : 2443  
Examiner : Asghar H. Bilgrami  
Docket No. : 1004294.001US  
Customer No. : 85775

**DECLARATION UNDER 37 C.F.R. § 1.131**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Scott McNulty, do declare and state:

1. I am the sole inventor of the subject matter claimed in the above-identified application.

2. I make this Declaration to establish an actual reduction to practice of the invention claimed in this application in the United States at a date prior to December 12, 2002.

3. Prior to December 12, 2002, I developed a working prototype of a portable storage and processing device ("the MediKey prototype"), which embodied the claimed subject matter of the above-identified application. Attached as Exhibit 1 hereto is a photograph of the MediKey prototype. Attached as Exhibits 2-10 is a collection of print-outs of screen shots displayed on the

monitor of a computer terminal to which the MediKey prototype was connected. As explained in more detail below, the photograph attached as Exhibit 1 and the screen shots attached as Exhibits 2-10 evidence the construction, configuration and functionality of a working prototype embodying the claimed subject matter of the above-identified application.

4. As shown in Exhibit 1, the MediKey prototype completed prior to December 12, 2002 comprises “a portable device” having a universal serial bus (USB) “conduit for external communications configured to enable the transmission of a plurality of instructions between the portable device and a terminal” having a compatible USB port. These features of the MediKey prototype are shown in Exhibit 1.

5. Exhibit 2 is a screen shot of the MediKey Properties window for the MediKey prototype completed prior to December 12, 2002. The MediKey Properties window discloses that the MediKey prototype includes “a memory” designated as the E drive (“E:\medkey”) which has a “MediKey Application” stored thereon. The MediKey prototype also included a processor configured to communicate with the memory.

6. The MediKey Application comprises “a plurality of processing instructions” consisting of a collection of executable program modules, including an operating system module, an X-Ray Viewer module, a Web Search module and an Update Modules module, and a collection of other modules comprising “a first set of processing instructions, which when executed, presents an interactive user interface on the terminal display screen, enables the terminal input component to interface with the portable device through the interactive user interface, and provides the portable device with access to the terminal network interface.” The MediKey Application also included encryption capabilities for encrypting instructions issued by the portable device processor to remote devices.

7. The screen shot shown in Exhibit 2 also includes a "Created" field that lists the date on which the working MediKey prototype was completed and tested for operation. The redacted date in the "Created" field is prior to December 12, 2002.

8. Exhibit 3 is a screen shot of the MediKey graphic user interface displayed on the terminal monitor. As shown in Exhibit 3, the MediKey graphic user interface includes several labeled buttons arranged along the left-hand side, each of which is configured to provide access to (1) a data file stored on the portable device memory, (2) an executable program module stored on the portable device memory, (3) a data file stored on a remote storage device and/or (4) an executable program module stored on a remote storage device.

9. Each of the Medications, Medical Problems, Doctor/Insurance Info and Medical Expenses buttons on the MediKey user interface is configured to communicate with an underlying program running on the portable device processor to provide access to a designated data file stored on the portable device memory and display the contents of the file in the lower window on the right-hand side of the MediKey graphic user interface. Screen shots of the MediKey graphic user interface displaying the contents of each of the Medications, Medical Problems, Doctor/Insurance Info and Medical Expenses data files are shown in Exhibits 4-7, respectively.

10. In addition, the underlying program running on the portable device processor is configured to automatically display the contents of the Emergency Information data file in the upper window on the right-hand side of the MediKey graphic user interface. This feature of the MediKey prototype is shown in the screen shot attached as Exhibit 3.

11. The claimed subject matter of the above-identified application calling for "at least one processing instruction (stored on the portable apparatus memory), which when executed by the

portable apparatus processor, causes the portable device processor to execute a second set of processing instructions stored on the memory and effect the display of processing activity on the terminal output device” is evidenced by the operation of the X-Ray Viewer, Web Search and Update features of the MediKey prototype. Actuation of each of these designated buttons for these features presented on the MediKey graphic user interface causes an underlying program module running on the MediKey processor to execute a processing instruction, which, in turn, causes a program module stored on the MediKey memory to execute on the MediKey processor and effect the display of this processing activity on the terminal output device. A more detailed description of this operation of the MediKey prototype in connection with each of the X-Ray Viewer, Web Search and Update features is provided below:

- a. The X-Ray Viewer button is configured to cause an underlying program running on the portable device processor to execute at least one processing instruction which, in turn, causes the portable device processor to execute the X-Ray Viewer program module stored on the portable device memory and provide access to an X-ray data file stored on the portable device memory. When executed, the X-Ray Viewer program module presents an X-Ray Viewer browser window which allows the user to manipulate the view of an X-ray selected from the X-Ray data file stored on the portable device memory. A screen shot showing the X-Ray Viewer browser window displaying an X-Ray selected from the X-Ray data file is attached as Exhibit 8.
- b. The Web Search button is configured to cause an underlying program running on the portable device processor to execute at least one processing

instruction, which, in turn causes the portable device processor to execute a Web Search program module stored on the portable device memory and provide the user with access to data stored on a remote server. When executed by the portable device processor, the Web Search program module presents a Web Search browser window which allows the user to select a web address from the Web Search data file stored on the portable device memory and access data stored on a remote server associated with the selected web address. Exhibit 9 shows a screen shot of the Web Search browser window in which the user has selected the Dr. Koop Medical web address from the list of web addresses provided in the drop-down box and stored on the Web Search data file.

- c. The Update Module button is configured to cause an underlying program running on the portable device processor to execute a processing instruction, which, in turn, causes the portable device processor to execute an Update Module program module stored on the portable device memory and download updated versions of program modules from a remote server onto the portable device memory. When executed, the Update Module program module presents a Update window browser as shown in the screen shot attached as Exhibit 10.

12. The MediKey prototype also embodies the claimed subject matter of the above-identified application directed to a portable device “configured to communicate through the terminal network interface with a device/server/data storage system.” As described below, during operation of the Web Search module the portable device is configured to communicate

with a device/server/data storage system to access/input/modify data stored on device/server/data storage system. In addition, in connection with the operation of the Update module the portable device is configured to communicate with a device/server to download updated programs modules onto the portable device memory. As further explained with regard to the operation of the Update module, the portable device is configured to encrypt the communications issued to the device/server.

- a. In this example of the operation of the Web Search module shown in Exhibit 9, the user has also entered the word “cancer” in the key search term box presented on the Web Search browser window. When the “OK” button is clicked, the Web Search program module accesses the remote server associated with the Dr. Koop Medical web address through the terminal network interface and retrieves data stored on the remote server relating to the “cancer” key search term. In addition, the Web Search program module also enables the user access a secure account maintained on the remote server associated with the Dr. Koop Medical web site and input, access or modify personal health information stored in the secure account.
- b. With reference to the Update module screen shot shown in Exhibit 10. clicking the “Update” button causes the portable device processor to issue an instruction via the terminal network interface to a remote server to download any updated versions of the listed program modules from the remote server onto the portable device memory. The Update instruction issued by the portable device processor is coded with a unique apparatus

identifier specifically associated with the portable device and information identifying the versions of the program modules stored on the portable device memory. Upon receiving the instruction, the remote server confirms the authenticity of the portable device unique apparatus identifier and determines whether any of the program module versions stored on the portable device have been updated. The remote server then downloads any updated versions of the program modules for storage on the portable device memory. All of the communications from the portable device to the remote server are encrypted by the MediKey Application encryption feature.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 4-16-2010

  
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Scott McNulty

# EXHIBIT 1





# EXHIBIT 2

# MediKey Properties



General Version Compatibility



MediKey

Type of file: Application

Description: MediKey Application

Location: E:\medkey

Size: 204 KB (208,896 bytes)

Size on disk: 204 KB (208,896 bytes)

Created: REDACTED

Modified: REDACTED

Accessed: REDACTED

Attributes: ☒ Read-only ☐ Hidden ☒ Archive

OK

Cancel

Apply

# EXHIBIT 3

## Emergency Information

Allergies: Dust, Milk, Demerol, Chalk, Mold, Sugar

Weight: 170 lbs

Height: 5' 2"

Blood Pressure: 120/80 REDACTED

Medications

Medical Problems

Doctor/Insurance Info

Medical Expenses

X-Ray Viewer

Web Search

Update Modules

Exit

# EXHIBIT 4

Medications

Medical Problems

Doctor/Insurance Info

Medical Expenses

X-Ray Viewer

Web Search

Update Modules

Exit

## Emergency Information

Allergies: Dust, Milk, Demerol, Chalk, Mold, Sugar

Weight: 170 lbs

Height: 5'2"

Blood Pressure: 120/80

REDACTED

## Medications

For Thyroid Cancer

Synthroid

175 mcgm

For Heart Precautionary

Aspirin

81 mg

For Diabetes

Chromium picolinate  
Alpha-Lipoic Acid1000 mcg  
60 mg

For Enlarged Prostate

Saw Palmetto

320 mg

For General Well-Being

Ester-C  
Calcium citrate500 mg (+62 mg calcium ascorbate)  
500 mg

# EXHIBIT 5



## Emergency Information

Medications

Allergies: Dust, Milk, Demerol, Chalk, Mold, Sugar

Weight: 170 lbs

Height: 5' 2"

Blood Pressure: 120/80

REDACTED

Medical Problems

Doctor/Insurance Info

Medical Expenses

X-Ray Viewer

Web Search

## Known Medical Problems

Thyroid Cancer

Heart Precautionary

Diabetes

Enlarged Prostate

Update Modules

Exit

# EXHIBIT 6

## Emergency Information

Allergies: Dust, Milk, Demerol, Chalk, Mold, Sugar

Weight: 170 lbs

Height: 5'2"

Blood Pressure: 120/80 REDACTED

Medications

Medical Problems

Doctor/Insurance Info

Medical Expenses

X-Ray Viewer

Web Search

Update Modules

Exit

## Doctor's Information

Dr. Knowitall

293 Any Street

Any Town, Any State 12345

## Insurance Information

United Health of U.S.A.

789 That Street

That Town, That State 98734

Policy Number: 1213EAD398738

# EXHIBIT 7

## Emergency Information

Allergies: Dust, Milk, Demerol, Chalk, Mold, Sugar

Weight: 170 lbs

Height: 5' 2"

Blood Pressure: 120/80 REDACTED

Medications

Medical Problems

Doctor/Insurance Info

Medical Expenses

X-Ray Viewer

Web Search

Update Modules

Exit

## Medical Expenses

# EXHIBIT 8

Medications

Medical Problems

Doctor/Insurance Info

Medical Expenses

X-Ray Viewer

Web Search

Update Modules

Exit

## Emergency Information

Allergies: Dust, Milk, Demerol, Chalk, Mold, Sugar

Weight: 170 lbs

Height: 5' 2"

Blood Pressure: 120/80 REDACTED

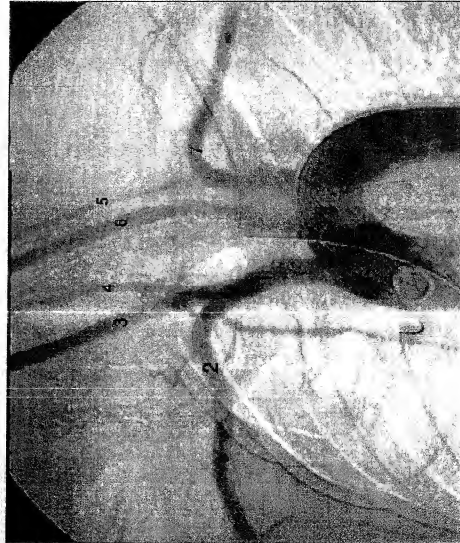
## X-Ray Viewer

Select X-Ray

IPad40.jpg

☐ Actual Size

Exit



# EXHIBIT 9



Medications

Medical Problems

Doctor/Insurance Info

Medical Expenses

X-Ray Viewer

Web Search

Update Modules

Exit

## Emergency Information

Allergies: Dust, Milk, Demerol, Chalk, Mold, Sugar

Weight: 170 lbs

Height: 5' 2"

Blood Pressure: 120/80 REDACTED

## Web Search

cancer

Dr. Koop (Gen. Medical Site)

OK

Cancel

# EXHIBIT 10

# Emergency Information

Allergies: Dust, Milk, Demerol, Chalk, Mold, Sugar

Weight: 170 lbs

Height: 5' 2"

Blood Pressure: 120/80

REDACTED

Medications

Medical Problems

Doctor/Insurance Info

Medical Expenses

X-Ray Viewer

Web Search

Update

Emergency Information  
Medications  
Medical Problems  
Doctor/Insurance Info  
Medical Expenses  
X-Ray Viewer  
Web Search

Update

Exit

Medications

For Thyroid

Synthroid

For Heart P

Aspirin

For Diabetes

Chromium p  
Alpha Lipoid

For Enlarged Prostate

Saw Palmetto

320 mg

For General Well-Being

Ester-C

Calcium citrate

500 mg (+62 mg calcium ascorbate)

500 mg

Update Modules

Exit